

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

PARRISH BROWN,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

No. 4:19-cv-1903-JAR

**MEMORANDUM AND ORDER**

This matter is before the Court upon its own motion. For the reasons explained below, movant Parrish Brown's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 will be dismissed as untimely.

On July 1, 2019, movant Parrish Brown filed a Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255, challenging the judgment entered in *U.S. v. Brown*, No. 4:15-cr-520-JAR-1 (E.D. Mo. Dec. 13, 2016). As explained in this Court's August 21, 2019 order, movant filed the motion after the expiration of the one-year limitations period applicable to motions filed pursuant to § 2255. The Court directed movant to show cause why his motion should not be dismissed as untimely, and cautioned him that his failure to timely comply would result in the dismissal of his case without prejudice and without further notice. Movant's response to the Court was due on September 20, 2019. To date, however, he has neither responded to the Court's order nor sought additional time to do so.

After careful consideration, the Court concludes that the petition is time-barred. The Court will therefore summarily dismiss it pursuant to Rule 4(b) of the Rules Governing Section 2255 proceedings in the United States District Courts. *See Day v. McDonough*, 547 U.S. 198,



210 (2006) (a district court may consider, on its own initiative, whether a habeas action is time-barred, but must provide notice to the movant before dismissing it as such).

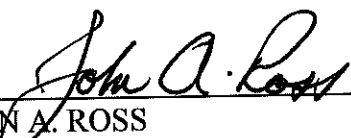
The Court has considered whether to issue a certificate of appealability. To do so, the Court must find a substantial showing of the denial of a federal constitutional right. *See Tiedeman v. Benson*, 122 F.3d 518, 522 (8th Cir. 1997). A substantial showing is a showing that issues are debatable among reasonable jurists, a Court could resolve the issues differently, or the issues deserve further proceedings. *Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997) (citing *Flieger v. Delo*, 16 F.3d 878, 882–83 (8th Cir. 1994)). Because movant herein has made no such showing, the Court will not issue a certificate of appealability.

Accordingly,

**IT IS HEREBY ORDERED** that Parrish Brown's motion to vacate, set aside or correct his sentence under 28 U.S.C. § 2255 is **DISMISSED**. A separate order of dismissal will be entered herewith.

**IT IS FURTHER ORDERED** that no certificate of appealability shall issue.

Dated this 2<sup>nd</sup> day of October, 2019.

  
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JOHN A. ROSS  
UNITED STATES DISTRICT JUDGE